



General Assembly

Substitute Bill No. 6858

January Session, 2001

AN ACT CONCERNING THEFT OF UTILITY SERVICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subdivision (15) of section 53a-119 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (15) Theft of utility service. A person is guilty of theft of utility
4 service when [he] such person intentionally obtains electric, gas, water,
5 telecommunications, wireless radio communications or community
6 antenna television service that is available only for compensation: (A)
7 By deception or threat or by false token, slug or other means including,
8 but not limited to, electronic or mechanical device or unauthorized use
9 of a confidential identification or authorization code or through
10 fraudulent statements, to avoid payment for the service by [himself]
11 such person or another person; or (B) by tampering or making
12 connection with or disconnecting the meter, pipe, cable, conduit,
13 conductor, attachment or other equipment or by manufacturing,
14 modifying, altering, programming, reprogramming or possessing any
15 device, software or equipment or part or component thereof or by
16 disguising the identity or identification numbers of any device or
17 equipment utilized by a supplier of electric, gas, water,
18 telecommunications, wireless radio communications or community
19 antenna television service, without the consent of such supplier, in
20 order to avoid payment for the service by [himself] such person or
21 another person; or (C) with intent to avoid payment by [himself] such

22 person or another person for a prospective or already rendered service
23 the charge or compensation for which is measured by a meter or other
24 [mechanical] measuring device provided by the supplier of the service,
25 by tampering with such meter or device or by attempting in any
26 manner to prevent such meter or device from performing its
27 measuring function, without the consent of the supplier of the service.
28 [There shall be a rebuttable presumption that the person to whom the
29 service is billed has the intent to obtain the service and to avoid
30 making payment for the service if, without the consent of the supplier
31 of the service] In any prosecution for theft of utility service, evidence
32 that any of the following actions have occurred without the consent of
33 the supplier of the service shall be prima facie evidence that the person
34 to whom the service is billed or, if the premises are master-metered,
35 the landlord or, if the service supplier does not have a current
36 customer account for the premises, the person in possession of the
37 premises, has the intent to obtain the service and to avoid making
38 payment for the service: (i) Any meter, pipe, cable, conduit, conductor,
39 attachment or other equipment has been tampered with or connected
40 or disconnected, (ii) any device, software or equipment or part or
41 component thereof has been modified, altered, programmed,
42 reprogrammed or possessed, (iii) the identity or identification numbers
43 of any device or equipment utilized by the supplier of the service have
44 been disguised, or (iv) a meter or other [mechanical] measuring device
45 provided by the supplier of the service has been tampered with or
46 prevented from performing its measuring function. [The presumption
47 does not apply] Evidence of any of such actions shall not constitute
48 prima facie evidence of an intent to obtain the service and to avoid
49 making payment for the service (I) if the person to whose service the
50 condition applies has received such service for less than thirty-one
51 days, or (II) if the service supplier has a current customer account for
52 the premises, until the service supplier has made at least one meter or
53 service reading and provided a billing statement to the person as to
54 whose service the condition applies, [The presumption does not
55 apply] or (III) with respect to wireless radio communications.

JUD *JOINT FAVORABLE SUBST.*

ET *JOINT FAVORABLE*